

FPS-001

October 4, 2006

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 06-3952

Anderson v. Kopko
(W.D. Pa. No. 04-cv-135)

To: Clerk

- 1) Motion for Leave to Proceed In Forma Pauperis
- 2) Appellant's Motion to Withdraw Appeal

The foregoing Motion to proceed in forma pauperis is denied in light of the request to withdraw the appeal.

A grant of in forma pauperis status and an assessment for the \$ 455.00 in filing and docketing fees would be required to process the withdrawal of the appeal under Rule 42(b), Fed. R. App. P. However, since appellant has indicated that he does not intend to prosecute the appeal, the appeal is dismissed for failure to prosecute pursuant to Misc. Rule 107.2, Third Circuit Local Appellate Rules. Therefore, the appeal is dismissed for failure to prosecute.

For the Court,

/s/ Marcia M. Waldron

Clerk

Dated October 17, 2006
CH/cc: Mr. Josh L. Anderson
James T. Marnen, Esq.



Marcia M. Waldron

Marcia M. Waldron, Clerk